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Attorneys for Plaintiffs  
HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC L.P.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,  
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**DECLARATION OF MARILEE C. WANG  
IN SUPPORT OF MOTION TO FILE  
UNDER SEAL THE CONFIDENTIAL  
VERSION OF DEFENDANT SENORX,  
INC.'S REPLY IN SUPPORT OF ITS  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT FOR NON-INFRINGEMENT  
AND EXHIBITS 6 AND 7 TO THE  
SUPPORTING DECLARATION OF ADAM  
D. HARBER PURSUANT TO CIVIL LOCAL  
RULE 79-5(D)**

1 I, Marilee C. Wang, declare as follows:

2 I am an attorney with the law firm of Howrey LLP, counsel for Plaintiffs Hologic, Inc., Cytac  
3 Corporation and Hologic L.P. ("Hologic") in the above-captioned case. I am a member of the Bar of  
4 this Court and make this declaration pursuant to Civil Local Rule 79-5(d) in support of Defendant  
5 SenoRx, Inc.'s Motion to File Under Seal the Confidential Version of Defendant SenoRx, Inc.'s Reply  
6 in Support of Its Motion for Partial Summary Judgment for Non-Infringement and Exhibits 6 and 7 to  
7 the supporting Declaration of Adam D. Harber. (Docket No. 165). If called as a witness, I could and  
8 would testify competently to the contents of this declaration.

9 1. SenoRx, Inc. ("SenoRx") has submitted a confidential version of Defendant SenoRx,  
10 Inc.'s Reply in Support of Its Motion for Partial Summary Judgment for Non-Infringement in which  
11 several statements describing Hologic's intellectual property are quoted from deposition testimony.  
12 These passages are highlighted in yellow and contain information that is internal, confidential, and  
13 sensitive to Hologic and its employees, and the unprotected distribution of this document in its  
14 unredacted form to the general public could cause harm to Hologic and its employees. Accordingly,  
15 Hologic respectfully requests that the Court authorize the filing under seal of the confidential version  
16 of Defendant SenoRx, Inc.'s Reply in Support of Its Motion for Partial Summary Judgment for Non-  
17 Infringement.

18 2. Exhibit 6 to the Declaration of Adam D. Harber in Support of Defendant SenoRx, Inc.'s  
19 Reply in Support of Its Motion for Partial Summary Judgment for Non-Infringement is a true and  
20 correct copy of excerpts from the November 14, 2006 deposition transcript of Dr. Lynn J. Verhey from  
21 the case captioned *Xoft Microtube Inc. v. Cytac Corp., et al.*, Case No. C-05-05312 RMW, in the  
22 United States District Court for the Northern District of California. The document is marked  
23 "Confidential – Outside Counsel Only" The excerpts of Dr. Verhey's deposition provided in Exhibit 6  
24 relates to Hologic's intellectual property and is internal, confidential, and sensitive to Hologic and its  
25 employees, and the unprotected distribution of this document in its unredacted form to the general  
26 public could cause harm to Hologic and its employees. Accordingly, Hologic respectfully requests  
27 that the Court authorize the filing under seal of Exhibit 6 to the Declaration of Adam D. Harber in  
28 Support of Defendant SenoRx, Inc.'s Reply in Support of Its Motion for Partial Summary Judgment

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct. Executed in East Palo Alto, California, on June 18, 2008.

Declaration of Marilee C. Wang in Support of the  
Motion to File Under Seal  
Case No. C08 00133 RMW (RS)

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Case No. C08 00133 RMW (RS)

**[PROPOSED] ORDER GRANTING  
MOTION TO FILE UNDER SEAL  
DEFENDANT SENORX, INC.'S REPLY IN  
SUPPORT OF ITS MOTION FOR PARTIAL  
SUMMARY JUDGMENT FOR NON-  
INFRINGEMENT AND EXHIBITS 6 AND 7  
TO THE SUPPORTING DECLARATION  
OF ADAM D. HARBER**

1 The Court, having considered Defendant SenoRx, Inc.'s Motion to File Under Seal the  
2 Confidential Version of Defendant SenoRx, Inc.'s Reply in Support of Its Motion for Partial Summary  
3 Judgment for Non-Infringement and Exhibits 6 and 7 to the supporting Declaration of Adam D. Harber  
4 (Docket No. 165) and the Declaration of Marilee C. Wang in support thereof, finds that good cause  
5 exists pursuant to Civil L.R. 79-5 for the Motion and hereby orders that the Motion is GRANTED in  
6 its entirety.

7 The clerk shall maintain under seal the Confidential Version of Defendant SenoRx, Inc.'s  
8 Reply in Support of Its Motion for Partial Summary Judgment for Non-Infringement and Exhibits 6  
9 and 7 to the supporting Declaration of Adam D. Harber.

10 It is SO ORDERED.

11  
12 Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
HON. RONALD M. WHYTE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF  
CALIFORNIA